

47.  
a3  
cont  
48.  
98.  
The method of claim 80, wherein the ~~wild-type~~ p53 gene is under the control of a CMV promoter.

48.  
99.  
The method of claim 80, wherein said growth is prevented by apoptosis. --

### REMARKS

669004-669004


The independent claims as submitted in this Divisional Application have been previously deemed allowable in dependent form as contained in Application Serial. No. 08/626,678, now subject to an interference proceeding. These allowable claims were amended to place them in independent form herein. Applicants submit that the subject matter of the independent claims as submitted in this Divisional Application is not the subject matter that is presently the basis of the interference.

Support for the amended claims may be found throughout the specification, including at: page 42, line 20; page 42, line 27; page 39, lines 26-7; page 42, line 9; page 42, line 28; page 8, line 28; page 9, line 1; page 43, line 13; page 7, lines 5-6; page 5, line 26; page 6, line 3 page 42, line 25; and page 43, line 3. Thus, no new matter has been added.

Claims 1-42 have been canceled without prejudice or disclaimer. New claims 43-99 have been added. Thus, claims 43-99 are pending.

Should the Examiner have any questions regarding this submission, he is invited to contact the undersigned at her desk telephone at (512) 418-3081.

Respectfully submitted,

  
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